

1 Adopt 2 Cal. Code Regs. Section 18329.5:

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3 **18329.5. Commission Advice Procedure - Government Code sections 87300-87306.**

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5 (a) In addition to 2 Cal. Code Regs. section 18329, the Commission may
6 provide {**CONFORMING CHANGE AFTER DECISION POINT 1 AND 2, Option**
7 **A**}[formal written advice (“advice”) or informal assistance (“assistance”)]
8 {**CONFORMING CHANGE, Option B**} [informal assistance (“assistance”)] regarding
9 Government Code sections 87300 through 87306, as follows:

10 (1) When the Commission is the code reviewing body, it may provide
11 {**DECISION POINT 1, Option A**}[advice or assistance]
12 {**DECISION POINT 1, Option B**}[assistance] regarding a determination of whether an
13 individual is a designated employee to:

14 {**DECISION POINT 1.1**}

15 [(A) **Individual:** The individual, or his/her authorized representative, provided
16 he/she has first contacted his/her agency regarding his/her position or disclosure category
17 in the conflict of interest code and still disagrees with the agency’s determination]; or

18 (B) **State/Local Multi-County Agency:** A state agency and local multi-
19 county agency, or the authorized representative, pursuant to 2 Cal. Code Regs. sections
20 18750 and 18750.1; or

21 (C) **Joint Request:** The individual, or his/her authorized representative, and
22 the agency that submit a joint written advice request.

23 (2) When the Commission is not the code reviewing body, it may provide
24 {**DECISION POINT 2, Option A**}[advice or assistance]

1 **{DECISION POINT 2, Option B}**[assistance] regarding a determination of whether an
2 individual is a designated employee to:

3 **{DECISION POINT 2.2}**

4 [(A) **Individual:** The individual, or his/her authorized representative, provided
5 he/she has first contacted his/her agency and/or the code reviewing body regarding
6 his/her position or disclosure category in the conflict of interest code and still disagrees
7 with the determination;] or

8 (B) **Agency:** An agency that notifies its code reviewing body prior to making
9 an advice request, provided that advice is requested prior to submission of the conflict of
10 interest code to the code reviewing body for amendment or adoption; or

11 (C) **Joint Request:** The individual, or his/her authorized representative, and
12 the agency that submit a joint written advice request, provided that advice is requested
13 prior to submission of the conflict of interest code to the code reviewing body for
14 amendment or adoption; or

15 (D) **Code Reviewing Body:** A code reviewing body at any time.

16 (b) The Commission may, upon request, provide technical assistance to an
17 individual regarding technical compliance with his/her reporting requirements under the
18 individual's current conflict of interest code.

19 (c) Section 87200: "Other Public Officials Who Manage Public Investments"

20 (1) Notwithstanding subdivision (a) above, the Commission may provide
21 advice or assistance to an individual concerning whether he/she is subject to Government
22 Code section 87200 at any time.

1 (2) If the Commission determines that an individual is not a “public official
2 who manages public investments” pursuant to Government Code section 87200, it is not
3 a determination that an individual must file a disclosure statement under a conflict of
4 interest code. The agency or code reviewing body must make that determination as part
5 of the process for amending or adopting a code and may request advice or assistance
6 pursuant to the procedures in subdivision (a) above.

7 (d) Requests.

8 A requestor may be asked to provide the following information when requesting
9 advice or assistance pursuant to this regulation:

10 (1) A copy of all pertinent agency determinations regarding an individual’s
11 obligations under Chapter 7 of the Act.

12 (2) A copy of an individual’s employment contract;

13 (3) A copy of an individual’s duty statement;

14 (4) A copy of the applicable conflict of interest code; and

15 (5) Any other pertinent information.

16 COMMENT: An individual potentially subject to a conflict of interest code may
17 petition the agency to amend its code. An individual may appeal a denied petition to the
18 code reviewing body and may also seek judicial review of an action taken by the code
19 reviewing body (Government Code sections 87307 and 87308). The code reviewing
20 body has the authority to modify or suspend the disclosure obligations pending
21 resolution of the appeal (2 Cal. Code Regs. section 18737).

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23 NOTE: Authority cited: Government Code section 83112.

24 Reference: Sections 83114(b), 87300 to 87306, Government Code.

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